

**ALTER
PEARSON, LLC**

ATTORNEYS AT LAW

Alan M. Kosloff Of Counsel
akosloff@alterpearson.com

701 Hebron Avenue
P.O. Box 1530
Glastonbury, CT 06033

860.652.4020 TELEPHONE
860.652.4022 FACSIMILE

VIA ELECTRONIC MAIL

September 11, 2017

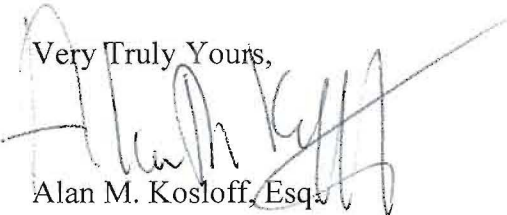
Ms. Melanie A. Bachman, Esq., Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06501

**Re: Petition 1313 -DWW Solar II, LLC Petition for Declaratory Ruling that No
Certificate of Environmental Compatibility and Public Need Is Required for a 26.4
Megawatt AC Solar Photovoltaic Electric Generating Facility in Simsbury, Connecticut**

Dear Attorney Bachman:

Attached please find the prefiled testimony of our clients, Lis Shlansky, Zhenkui Zhang, Ed Wrobel, Michael Flammini, Linda Lough and Robert Perissi. An original and fifteen (15) copies of same will FedExed to you today.

Very Truly Yours,



Alan M. Kosloff, Esq.

Enclosures

Cc: Service List (via electronic mail)

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

DWW SOLAR II, LLC PETITION FOR
DECLARATORY RULING THAT NO
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED
IS REQUIRED FOR A 26.4 MEGAWATT
AC SOLAR PHOTOVOLTAIC ELECTRIC
GENERATING FACILITY IN SIMSBURY
CONNECTICUT

PETITION NO. 1313

September 9, 2017

PRE FILED TESTIMONY OF LIS SHLANSKY

Dear Siting Council:

My name is Lis Shlansky and I live at 44 Berkshire Way. My property directly abuts the proposed Petition 1313 currently under review. A brief history, my family moved to Simsbury in 2002 from Newtown, CT. I have raised three children in 44 Berkshire Way that have since left home-- three 19 year-old triplets. I have mixed feelings about this project that I would like to discuss below:

Positives

The positive aspects of this project are

- (1) Promotion of Renewable energy, and a
- (2) New business entity to Simsbury, and the
- (3) Possibility that this will be a good neighbor to my property.

To expound a little further, I am a supporter of clean energy. I believe in every citizen's responsibility to care for our environment. I do so by (1) not using my wood burning insert, (2) my recent replacement of an inefficient oil burner, (3) my new installation of a central air cooling, (4) purchase of a car that averages more than 40 miles to the gallon, and I (5) remain on the list for Tesla Model 3 in the near future. I feel that my actions are consistent with a desire to use and purchase items that are as nonpolluting as possible.

Additionally, I am pleased to have a new business entity introduced to our town. While the overall projected tax contribution to the towns' collections appears to be less than one percent, any contribution is positive.

Lastly, Deep Water Wind has the potential to be a good neighbor. While DWW was legally required to merely notify us of their project, they came to the town and spoke at length with the abutters and notified them of their projected plans and allowed for questions and comments. In the open meetings that they have had with the Town of Simsbury, they have expressed a limited desire to make the area

around the project more accommodating. As I feel that I have no expertise in the field of landscape management or design, and I have shied away from these opportunities to speak up. I am not sure what is best, or what I should be asking for; I have feared that there are no guarantees in my verbal conversations with a corporation. I am pleased that the Town of Simsbury has taken on the task of representing us and the remainder of the town in voicing their opinion about the aesthetic and visual impact this will have on our community. At a Board of Selectmen meeting, Lisa Heavner relayed that the Town of Simsbury will be seeking professional advice in this matter. Professional advice and backing of the town in their concern for how this project will appear (both visually and auditory) is what I am seeking; more input than my untrained opinion is warranted.

Negatives

On the negative side, this project will

- (1) Require removal of trees to accommodate
- (2) Be visually unappealing
- (3) Generate noise constantly
- (4) Disrupt our neighborhood during construction
- (5) Pose a risk to our water supply
- (6) Pose a flood risk to our downhill neighbors.

Most of these concerns are self-explanatory. The issue of greatest concern to us - and should be of great concern to the Siting Council - is regarding our water. There are several main aquifers in our town that supply us with our water. Are there chemicals used in the soil used decades ago (from farming) going to make their way into our aquifer due to this project? Will the run off from a torrential downpour cause erosion such that chemicals that have remained buried and dormant make their way into our aquifer? Again, I do not have the expertise to make these decisions myself, but I do believe that these are crucial questions. I am again pleased that the Town of Simsbury has taken on a role of stewardship and is asking these questions.

While I believe that there are many potential positives that can come from this project, there are also many serious and significant questions that have yet to be answered. Based on this I believe it is in our best interest as a Town - and as a State - that the continued evaluation of this project be done thru a certification process that allows for more time and attention to be paid to some very serious issues that will affect our community. Please do the 'right thing' for our community and state by requiring that this project go thru the certification process that was approved by our legislature: Senate Bill 943.

Sincerely,

By: 

Lis Shlansky, MD, MPH

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

DWW SOLAR II, LLC PETITION FOR
DECLARATORY RULING THAT NO
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED
IS REQUIRED FOR A 26.4 MEGAWATT
AC SOLAR PHOTOVOLTAIC ELECTRIC
GENERATING FACILITY IN SIMSBURY
CONNECTICUT

PETITION NO. 1313

September 9, 2017

PRE FILED TESTIMONY OF ED WROBEL

We've lived at 100 Hoskins Rd since 1996 (and formerly lived in Simsbury at 426 Firetown Rd). Our home was built in 1851 by Noah Hoskins, and looks directly onto the site proposed for the solar facility. Our greatest concern is the very large magnitude of this proposed installation in a residential neighborhood, the loss of active agricultural land, and the resulting impact on the rural and historic character of our neighborhood and town. Hoskins Road is a well-travelled route and is considered a gateway for north and west Simsbury, and we take great pride in the vistas and the historic homes on this route. The Hoskins "sister home" at 85 Hoskins Road was built by the Hoskins family in the same era, and would be virtually surrounded by the solar facility in the current proposal. We've taken great care to preserve the important historic nature of our property (in fact we do consider ourselves caretakers of this historic Simsbury home), and are quite concerned about the impact of such a large installation immediately across the street. The parcel under consideration is highly visible and the DWW proposal as presented will detract considerably from the character of this area.

Our concerns include the following:

- The magnitude of the project is too large to be integrated into the residential communities of Simsbury
- We are concerned about the negative impact on wild life
- We are concerned about the impact on property values – as the magnitude of this proposed project is unprecedented in CT there is significant concern about negative impact on home values.
- Trading green for green - As stated definitively in the State of Connecticut Department of Agriculture (DOA) Memorandum dated August 23, 2017, the project will materially affect the status of the land on which the Project is to be located as prime farm land. Supporting sustainable energy and preserving open space, forests and farms are worthy goals that can and


should be pursued in a complimentary manner, but not at the expense of one policy over the other.

We appreciate your consideration.

Respectfully,

By: _____

Ed Wrobel; 100 Hoskins Rd


Carol F. Wrobel

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

DWW SOLAR II, LLC PETITION FOR
DECLARATORY RULING THAT NO

CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED
IS REQUIRED FOR A 26.4 MEGAWATT

PETITION NO. 1313

AC SOLAR PHOTOVOLTAIC ELECTRIC
GENERATING FACILITY IN SIMSBURY
CONNECTICUT

September 8, 2017

PRE FILED TESTIMONY OF MICHAEL FLAMMINI

My name is Michael Flammini. Along with my wife Stacey and our three children, we have been residents of 3 Kilbourn Farms, Simsbury, CT since July 15, 2005. We moved to Simsbury from the Boston area when I took a position with Aetna. We had the opportunity to relocate to any town in the Valley, and selected Simsbury because it represented (and still does) a truly unique place to live and raise a family.

The town has done a terrific job at maintaining its commitment to protecting its natural resources and wildlife habitats, fostering a unique integration of its farm land with residential neighborhoods, and introducing new development in a responsible manner. The Town's zoning committees have worked closely with its residents on a plan of conservation that will keep Simsbury at the very top of the most attractive places to live and raise a family in the United States.

In 2005 our children were five, four, and one. They are now all teenagers. The quality of the school systems combined with the beautiful and natural surroundings that the town was committed to keeping made Simsbury an ideal, and idyllic choice. We have loved every minute we've lived here and have considered it home since the day we arrived. One of my favorite things to do is spend time with my children at the playground of Squadron Line Elementary School, which is across the street from our house. The walk back from Squadron, heading East on Hoskins Road has provided a breath-taking view of the farm land, in and around the original Kilbourn property. It is one of my favorite views on the planet. This farmland is also adjacent to Squadron Line School.

When I received notification that my property was considered an abutter to a proposed 26.4 megawatt AC solar photovoltaic electric generating facility on 289 acres of land, including active farm land, we were confused, upset, and angry. The Simsbury site was selected by unelected and unaccountable officials from Massachusetts and Rhode Island. Massachusetts is known to have protective legislation that incentivizes placement of such utilities in appropriate locations to protect against development in residential communities and upon precious farmland. By reaching in, MA officials are circumventing that law to the detriment of Connecticut and Simsbury residents. The plan for conservation that the Town of Simsbury and its residents have worked so hard on to develop and implement runs the risk of being subjugated to a process that is not consistent with the partnership that has worked so well between Simsbury Town officials and its

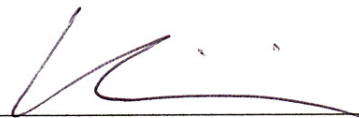
residents to protect and responsibly develop the town in which WE live, work, and pay our taxes. Part of the proposed photovoltaic facility will be placed across the street from my front yard on active farm land that is also adjacent to Squadron Line School (Hoskins Road parcel). If this project is approved, it will negatively and permanently alter the character of my neighborhood, and the Town of Simsbury.

Our concerns about the placement of the 26.4 megawatt AC solar photovoltaic electric generating facility are the following:

- The size of the project is too large to be integrated into the residential communities of Simsbury - It is estimated that approximately 100,000 solar panels will be required to generate 26.4 megawatts of electricity.
- Danger and disruption during the construction process – heavy equipment will be moving along residential roads that were not designed for such large-scale construction, many of which are populated by families with young children
- Adjacent to Squadron Line Elementary School – the high voltage facility represents a real danger to all the children who attend the school, and the many more from across the Valley that use its playgrounds and soccer fields
- Danger to, and permanent displacement of wild life – black bears, deer, fox and many other indigenous wild life make their homes in and around the fields and wooded areas that will be deforested to make room for solar panels
- Decline in home values – we have invested significantly in our home and property given our desire to remain in Simsbury for the long-term. Since a utility solar project of this scale has few, if any precedents on which to assess the impact on residential home values, I choose to apply common sense. Fewer buyers will be interested in a home adjacent to a solar farm in a residential neighborhood, which will inevitably drive down the value of my property.
- Trading green for green - As stated definitively in the State of Connecticut Department of Agriculture (DOA) Memorandum dated August 23, 2017, the project *will* materially affect the status of the land on which the Project is to be located as prime farm land.

Thank you for your consideration.

Respectfully submitted,

By: 

Michael Flammini

9/8/17

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

DWW SOLAR II, LLC PETITION FOR
DECLARATORY RULING THAT NO

CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED
IS REQUIRED FOR A 26.4 MEGAWATT

PETITION NO. 1313

AC SOLAR PHOTOVOLTAIC ELECTRIC
GENERATING FACILITY IN SIMSBURY
CONNECTICUT

September 8, 2017

PRE FILED TESTIMONY OF LINDA LOUGH

My name is Linda Lough and my family and I have lived at 8 Kilbourn Rd in Simsbury for 14 years. I am an abutter to the solar power plant being proposed on 289 acres of land, 80% of which is zoned for one acre residential lots. Since the meeting with Deepwater Wind in May 2017 when we first were notified of this project, many of the abutters and concerned residents have spent hours of time researching and educating ourselves as to how this proposal came to be, what the issues are and what we can do to make a difference in the process.

On the side of issuing a declaratory ruling to approve this project in this location, I can come up with 3 arguments:

- 1) Massachusetts and Rhode Island unelected officials selected this site in CT because it is private property, with a willing seller and there were no CT regulations (as there are in Massachusetts) that would preclude the approval of this site.
- 2) The existing substation makes this site very convenient.
- 3) Deepwater Wind submitted the application to beat the CT legislation that closed the loophole of not requiring a full certification process for solar power plants of this magnitude by one day.

On the side of requiring the full certification process for this unprecedented project that would place one of the largest solar power plants in the middle of a residential neighborhood, I come up with one argument that is much more compelling than the above three.

- 1) What possible harm could come from applying the full environmental and other reviews required by the certification process to make sure Connecticut deems this to be a proper site?

I am against this project on this site not only from a gut feel that it will ruin the character of north Simsbury and significantly reduce the value of the home that I love so much but I am also against this project because of the conclusions reached from all the hard work that I, my neighbors, our town committees, state departments/councils and the CT legislature have done in evaluating a solar power plant of this magnitude on this location. Without exception, the conclusion from the evaluations is that this unprecedented project should not be treated with the limited review of the declaratory ruling process. The full certification process should be applied. There is so much at stake for our state, town and

the individuals who live here. Please consider these important points:

First, the CT Siting Council which rules on the suitability of this site requires that Deepwater Wind attempt to adhere to the intent of local planning, zoning and wetland regulations. Deepwater stated that they were counting on this project to be considered a public utility and therefore be allowed by Simsbury to have a special exemption to put this power plant in any zone, even residential. It turns out that the Simsbury zoning board says this solar power plant is not considered a public utility, therefore is not eligible for a special exemption and is not allowed on this property per local zoning regulations.

Second, our town planning committee has determined that this proposed solar power plant is not consistent with our Plan of Conservation and Development (POCD) and will have a negative impact on town character.

Page 86 of the POCD specifically addresses the northern gateway of our town which recommends residential uses and zoning along Hoskins Rd reinforce the character of that neighborhood. May I add that a utility scale solar power plant doesn't reinforce the character of our neighborhood.

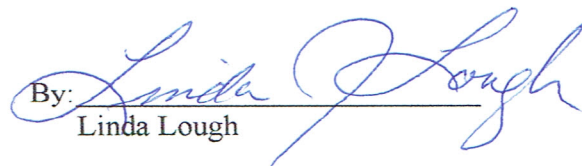
Third, SB943 which was passed almost unanimously by our CT legislature, would require a much more critical review of this project as it does for other power plants and even cell towers. The certificate process would evaluate environmental issues in much more depth, and evaluate the impact on farmland, forests, residential, wildlife, historical and cultural sites. This project misses this mandatory review by one day. Why would Connecticut be opposed to this kind of review for an unprecedented 289 acre solar power plant in the middle of our neighborhoods? The fact that soil testing and remediation would possibly be required due to any contaminants released during construction or operation that could enter the aquifer is reason enough to support applying the requirements of SB943.

Fourth, the deforestation of 35 acres and installation of 100,000 solar panels would be disruptive to wildlife habitats as supported by studies from Scientific American, Birdlife international, and our own government agencies: Office of Energy Efficiency and Renewable Energy and the DOE and Connecticut's CEQ. The area in question is an important migratory corridor and home to many species of greatest conservation need that will be ignored should a declaratory ruling be made.

Finally, this solar power plant must absolutely not be allowed to be on the parcel south of Hoskins Rd, almost surrounding the single historical home that stands on this property. To subject this resident to a power plant around their home would be unforgivable. I challenge anyone to put themselves in the place of this resident and arrive at the conclusion that a solar power plant belongs there.

Please require this solar power plant to be subjected to the full certification process to respond to the serious concerns brought up by so many citizens, the town and state governing entities. Thank you.

Respectfully submitted,

By: 
Linda Lough

CERTIFICATION

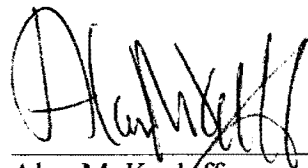
I hereby certify that on this day that the foregoing was delivered by electronic in accordance with RCSA §16-50j-12, to all parties and intervenors of record, as follows:

Counsel for DWW Solar II, LLC
Lee D. Hoffman, Esq.
Pullman & Comley, LLC
90 State House Square Hartford, CT 06103-3702

Counsel for Town of Simsbury
Jesse A. Langer, Esq.
Robert M. DeCrescenzo, Esq.
Updike, Kelly & Spellacy, P.C.
One Century Tower
265 Church Street New Haven, CT 06510

Counsel for the Department of Energy and Environmental Protection
Kirsten S. P. Rigney
Bureau of Energy Technology Policy
Department of Energy and Environmental Protection
10 Franklin Square
New Britain, CT 06051

Counsel for the Connecticut Department of Agriculture
Jason Bowsza
Connecticut Department of Agriculture
450 Columbus Blvd
Hartford, CT 06103



Alan M. Kosloff
Commissioner of the Superior Court
September 11, 2017